

FILED

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2008 SEP 17 PM 3:18

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorney for Plaintiff,
7 DANIEL ALVAREZ

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 DANIEL ALVAREZ,

Case No.: **CV08-06118**

AHM

(MANX)

12 *Plaintiff(s).*

13
14
15 **COMPLAINT FOR CIVIL RIGHTS**
16 **VIOLATIONS PURSUANT TO 42 U.S.C.**
17 **§ 1983 AND VIOLATIONS OF STATE**
18 **LAW**

19
20 ***JURY TRIAL DEMANDED***

21
22 COUNTY OF LOS ANGELES; LOS
23 ANGELES COUNTY SHERIFF'S
24 DEPARTMENT; ROBERT FULOP;
25 KENNETH DAILY; STEVE SATHER;
26 DEPUTY FRAZIER, first name unknown;
27 and DOES 1 THROUGH 10, in their
individual and official capacities,

28 *Defendant(s).*

INTRODUCTION

21
22
23 1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983 and
24 1988, and the Fourth and Fourteenth Amendments to the United States Constitution, and under
25 the common law of the State of California, against several deputies and employees of the LOS
26 ANGELES COUNTY SHERIFF'S DEPARTMENT for Defendant COUNTY OF LOS
27 ANGELES, in their individual capacities and against Defendant COUNTY OF LOS ANGELES.

1 Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343, and on the pendent jurisdiction of this
2 Court to entertain claims arising under state law.

3 2. It is alleged that the Individual Defendants - individual sheriff's deputies, agents
4 and employees employed by Defendant COUNTY OF LOS ANGELES - made an unreasonable
5 seizure of the person of Plaintiff DANIEL ALVAREZ, violating his rights under the Fourth and
6 Fourteenth Amendments to the United States Constitution, and that these defendants assaulted
7 and battered Plaintiff. It is further alleged that these violations and torts were committed as a
8 result of policies and customs of Defendant COUNTY OF LOS ANGELES.

JURISDICTION AND VENUE

11 3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, §
12 1343(a)(3), § 1343(a)(4), and § 1367.

13 4. Venue is appropriate in the Central District of California under 28 U.S.C. § 1331
14 because the Defendants reside in the Central District of California, all Defendants reside in the
15 same State, and all of the events or omissions giving rise to the claim occurred in the Central
16 District of California.

PARTIES

5. Plaintiff DANIEL ALVAREZ was at all material times a resident of the County
of Los Angeles, State of California.

20 6. Defendant COUNTY OF LOS ANGELES is a public entity, organized under the
21 laws of the State of California with the capacity to sue and be sued. DEFENDANT COUNTY
22 OF LOS ANGELES is sued in its own right and on the basis of the acts of its officers,
23 employees, and agents, which were taken pursuant to Defendant COUNTY OF LOS ANGELES
24 custom and policy. At all times relevant herein, the officers, employees, and agents of Defendant
25 COUNTY OF LOS ANGELES were acting under color of state law.

26 7. Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT is a public
27 entity, organized under the laws of the State of California with the capacity to sue and be sued.
28 Defendant COUNTY OF LOS ANGELES is the legal and political entity responsible for the
actions of the LOS ANGELES COUNTY SHERIFF'S DEPARTMENT and its officers and

1 employees. Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT is a department
2 of Defendant COUNTY OF LOS ANGELES government. At all times relevant herein, the
3 officers, employees, and agents of Defendant LOS ANGELES COUNTY SHERIFF'S
4 DEPARTMENT were acting under color of state law.

5 8. Defendant ROBERT FULOP is a sheriff's deputy, police officer, employee and/or
6 agent of Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
7 SHERIFF'S DEPARTMENT, and is sued in his individual and official capacities.

8 9. Defendant KENNETH DAILY is a sheriff's deputy, police officer, employee
9 and/or agent of Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
10 SHERIFF'S DEPARTMENT, and is sued in his individual and official capacities.

11 10. Defendant STEVE SATHER is a sheriff's deputy, police officer, employee and/or
12 agent of Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
13 SHERIFF'S DEPARTMENT, and is sued in his individual and official capacities.

14 11. Defendant DEPUTY FRAZIER whose first name is unknown to Plaintiff, is a
15 sheriff's deputy, police officer, employee and/or agent of Defendants COUNTY OF LOS
16 ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, and is sued in his
17 individual and official capacities.

18 12. Doe Defendants 1 through 10 are sheriff's deputies, police officers, employees
19 and/or agents of Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
20 SHERIFF'S DEPARTMENT, and are sued in their individual and official capacities. The true
21 names of Does 1 through 10 are presently unknown to Plaintiff. Plaintiff will seek leave of the
22 court to amend this complaint to name these individuals upon learning their true identities and
23 roles in the actions complained of. Currently, Plaintiff sues Does 1 through 10 as fictitiously-
24 named Defendants. Plaintiff is informed and believes that these unknown persons were involved
25 in and are legally responsible for the wrongful actions alleged in this complaint. At all relevant
26 times, these Defendants were acting under color of law.

27 13. The Doe Defendants and Defendants FULOP, DAILY, SATHER, and FRAZIER
28 are referred collectively as "the Individual Defendants."

29 14. Unless otherwise indicated, each Defendant is sued as the agent and/or employee
30 of every other Defendant acting within the course and scope of said agency and/or employment,
31 with the knowledge and/or consent of said co-Defendants.

15. At all times mentioned herein, all COUNTY OF LOS ANGELES officers, employees, and agents were acting pursuant to authority delegated or conferred by Defendant COUNTY OF LOS ANGELES and, in doing or failing to do the things complained of herein, were acting within the scope of that authority.

16. On information and belief, at all times mentioned herein, Defendants and other LOS ANGELES COUNTY SHERIFF'S DEPARTMENT officers, employees, and agents have acted pursuant to the official policies and customs of Defendant COUNTY OF LOS ANGELES, policies and customs that have been approved of, ratified, and/or enforced by the persons and/or entities with the authority to set policy for the LOS ANGELES COUNTY SHERIFF'S DEPARTMENT.

FACTS

17. On May 12, 2007, at approximately 5:00 a.m. at or near 1130 E. Joel St., Carson, California 90745, several LOS ANGELES COUNTY SHERIFF'S DEPARTMENT deputies, including the Individual Defendants, intercepted ALVAREZ, threw him to the ground causing injuries to his head, back, legs and arms and kicked and punched him repeatedly at times using weapons – all without any cause. ALVAREZ did not resist the deputies during this assault and battery. They continued to strike ALVAREZ even as he cried out in pain.

18. At no point during any of the encounters with LOS ANGELES COUNTY SHERIFF'S DEPARTMENT deputies described above was ALVAREZ armed. At no point during any of the encounters with LOS ANGELES COUNTY SHERIFF'S DEPARTMENT deputies described above did ALVAREZ resist. At no point in time did ALVAREZ act in a threatening or violent manner toward the Defendants or anyone else. At no point during any of the encounters with LOS ANGELES COUNTY SHERIFF'S DEPARTMENT deputies described above did any LOS ANGELES COUNTY SHERIFF'S DEPARTMENT deputy read ALVAREZ his rights.

19. The deputies committed the acts described above without a warrant, consent, probable cause or exigent circumstances.

20. At the location and date identified above, the deputies and their agents restrained ALVAREZ's liberty of movement by beating him and holding him in place against his will. They

1 infringed on ALVAREZ's constitutional rights to safety, happiness and privacy by jailing him,
2 confiscating his property, and beating him.

3 21. Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
4 SHERIFF'S DEPARTMENT and their agents were negligent in hiring the other deputies and
5 their agents who committed the acts described above. They had reason to know that the other
6 deputies and their agents, because of their qualities, were likely to harm ALVAREZ in view of
7 the work entrusted to them. The dangerous qualities that deputies and their agents were aware of
8 upon hiring the other deputies and their agents caused the harm suffered by ALVAREZ.

9 22. Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
10 SHERIFF'S DEPARTMENT and their agents were negligent in training the other deputies and
11 their agents who committed the acts described above. They had reason to know that the other
12 deputies and their agents, because of their inadequate training, were likely to harm ALVAREZ in
13 view of the work entrusted to them. The inadequate training that deputies and their agents were
14 aware of at the time of the events in question caused the harm suffered by ALVAREZ.

15 23. Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
16 SHERIFF'S DEPARTMENT and their agents were negligent in supervising the other deputies
17 and their agents who committed the acts described above. They had reason to know that the
18 other deputies and their agents, because of their inadequate supervision, were likely to harm
19 ALVAREZ in view of the work entrusted to them. The inadequate supervision that deputies and
20 their agents were aware of at the time of the incidents in question caused the harm suffered by
21 ALVAREZ.

22 24. Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
23 SHERIFF'S DEPARTMENT and their agents were negligent in continuing the employment of
24 the other deputies and their agents who committed the acts described above. They had reason
25 to know that the other deputies and their agents, because of their qualities, were likely to harm
26 ALVAREZ in view of the work entrusted to them. The dangerous qualities that Deputies and
27 their agents were aware of while continuing to employ the other Deputies and their agents caused
28 the harm suffered by ALVAREZ.

29 25. Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY
30 SHERIFF'S DEPARTMENT and their agents had a duty to warn ALVAREZ that there was a
31 strong likelihood that the other Deputies and their agents would subject ALVAREZ to the

1 actions described above. The Deputies and their agents' failure to do so subjects them to
2 liability.

3 26. The actions of the Deputies of Defendants COUNTY OF LOS ANGELES and
4 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT their agents constituted assault,
5 battery, negligent infliction of emotional distress, intentional infliction of emotional distress,
6 false imprisonment, violation of right to privacy under the California Constitution Article I, § 1,
7 violation of right to privacy under California common law, negligent hiring, negligent training,
negligent supervision, negligent retention and failure to warn.

8 27. At no point during any of the encounters with the Defendants described above
9 was Plaintiff armed. At no point during any of the encounters with the Defendants described
10 above did Plaintiff resist. At no point during any of the encounters with the Defendants did
11 Plaintiff act in a threatening or violent manner. At no point during any of the encounters with the
12 Defendants did any officer read Plaintiff his rights. At no time during the events described
above, was Plaintiff a threat to the safety of themselves or others or disorderly.

13 28. The Defendants committed the acts described above without a warrant, consent,
14 probable cause or exigent circumstances. The Defendants had no legal cause or excuse to seize
15 the person of the Plaintiff.

16 29. At all times during the events described above, the Defendants were engaged in a
17 joint venture. The Defendants assisted each other in performing the various actions described and
18 lent their physical presence and support and the authority of their office to each other during the
19 said events.

20 30. At the locations and dates identified above, Defendants and their agents
21 restrained Plaintiff's liberty of movement by arresting him. They further restrained his liberty of
22 movement by jailing him overnight. They infringed on Plaintiff's constitutional rights to safety,
happiness and privacy by jailing him and confiscating his property.

23 31. The Defendants and their agents were negligent in hiring the other Officers and
24 their agents who committed the acts described above. They had reason to know that the other
25 Defendants and their agents, because of their qualities, were likely to harm Plaintiff in view of
26 the work entrusted to them. The dangerous qualities that the Defendants and their agents were
27 aware of upon hiring the other Defendants and their agents caused the harm suffered by Plaintiff.

1 32. The Defendants and their agents were negligent in training the other Defendants
2 and their agents who committed the acts described above. They had reason to know that the
3 other Defendants and their agents, because of their inadequate training, were likely to harm
4 Plaintiff in view of the work entrusted to them. The inadequate training that Defendants and their
5 agents were aware of at the time of the events in question caused the harm suffered by Plaintiff.

6 33. The Defendants and their agents were negligent in supervising the other
7 Defendants and their agents who committed the acts described above. They had reason to
8 know that the other Defendants and their agents, because of their inadequate supervision, were
9 likely to harm Plaintiff in view of the work entrusted to them. The inadequate supervision that
10 Defendants and their agents were aware of at the time of the incidents in question caused the
11 harm suffered by Plaintiff.

12 34. The Defendants and their agents were negligent in continuing the employment
13 of the other Defendants and their agents who committed the acts described above. They had
14 reason to know that the other Defendants and their agents, because of their qualities, were likely
15 to harm Plaintiff in view of the work entrusted to them. The dangerous qualities that
16 Defendants and their agents were aware of while continuing to employ the other Officers and
17 their agents caused the harm suffered by Plaintiff.

18 35. The Defendants and their agents had a duty to warn Plaintiff that there was a
19 strong likelihood that the other Defendants and their agents would subject Plaintiff to the actions
20 described above. The Defendants and their agents' failure to do so subjects them to liability.

21 36. As a consequence of Plaintiff's treatment by certain LOS ANGELES COUNTY
22 SHERIFF'S DEPARTMENT officers described above, Plaintiff suffered damages, including
23 physical injuries, as well as emotional distress and humiliation, violation of their constitutional
24 rights under the Fourth and Fourteenth Amendments to the United States Constitution to be free
25 from an unreasonable search and seizure of his person.

26 37. The actions of the Defendants violated the following clearly established and well
27 settled federal constitutional rights of Plaintiff: (a) Freedom from the unreasonable seizure of his
28 person; (b) Freedom from the use of excessive, unreasonable and unjustified force against his
person.

29 ///

COUNT 1.

42 U.S.C. § 1983 Against Individual Defendants

38. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

39. Plaintiff claim damages for the injuries set forth above under 42 U.S.C. § 1983 against the Defendants for violation of his constitutional rights under color of law.

COUNT 2.

Assault Against the Individual Defendants

40. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

41. Defendants assaulted Plaintiff.

42. As a result of this assault, Plaintiff suffered damages as aforesaid.

COUNT 3.

Battery Against the Individual Defendants

43. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

44 Defendants battered Plaintiff.

45 As a result of this battery, Plaintiff suffered damages as aforesaid.

COUNT 4.

False Arrest and Illegal Imprisonment Against the Individual Defendants

46. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

47 Defendants illegally arrested and illegally imprisoned Plaintiff.

48. As a result of this false arrest and illegal imprisonment, the Plaintiff suffered the damages as aforesaid.

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COUNT 5.

Intentional Infliction of Emotional Distress Against the Individual Defendants

49. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

50. Defendants subjected the Plaintiff to outrageous conduct by which Defendants intended to cause, or recklessly in disregard of the probability of causing, emotional distress that led to severe emotional suffering by Plaintiff and is the actual and proximate cause of the Plaintiff's emotional distress. The Defendants conduct was so extreme that it exceeded all bounds of that usually tolerated in a civilized society.

51. As a result of this intentional infliction of emotional distress, Plaintiff suffered damages as aforesaid.

COUNT 6.

Negligent Infliction of Emotional Distress Against the Individual Defendants

52. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

53. Defendants negligently subjected Plaintiff to outrageous conduct that led to severe emotional suffering by Plaintiff and is the actual and proximate cause of the Plaintiff's emotional distress. The Defendants' conduct was so extreme as to exceed all bounds of that usually tolerated in a civilized society.

54. Defendants Officer One, Two, Three, Four, Five and Six illegally arrested and illegally imprisoned Plaintiff.

55. As a result of this negligent infliction of emotional distress, the Plaintiff suffered the damages as aforesaid.

COUNT 7.

Negligent Hiring Against All Defendants

56. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

57. The Defendants were negligent in hiring the other Defendants who committed the acts described above. They had reason to know that the other Defendants, because of their

1 qualities, were likely to harm the Plaintiff in view of the work entrusted to them. The dangerous
2 qualities that Defendants were aware of upon hiring the other Defendants caused the harm
3 suffered by the Plaintiff.

4 **COUNT 8.**

5 **Negligent Training Against All Defendants**

6 58. Paragraphs 1 through 37 are incorporated herein by reference as though fully set
7 forth.

8 59. The Defendants were negligent in training the other Defendants who committed
9 the acts described above. They had reason to know that the other Defendants, because of their
10 inadequate training, were likely to harm the Plaintiff in view of the work entrusted to them. The
11 inadequate training that Defendants were aware of at the time of the events in question caused
12 the harm suffered by the Plaintiff.

13 **COUNT 9.**

14 **Negligent Supervision Against All Defendants**

15 60. Paragraphs 1 through 37 are incorporated herein by reference as though fully set
16 forth.

17 61. Defendants Officer One, Two, Three and Four illegally arrested and illegally
18 imprisoned Plaintiff.

19 62. The Defendants were negligent in supervising the other Defendants who
20 committed the acts described above. They had reason to know that the other Defendants, because
21 of their inadequate supervision, were likely to harm the Plaintiff in view of the work entrusted to
22 them. The inadequate supervision that Defendants were aware of at the time of the incidents in
23 question caused the harm suffered by the Plaintiff.

24 **COUNT 10.**

25 **Negligent Retention Against All Defendants**

26 63. Paragraphs 1 through 37 are incorporated herein by reference as though fully set
27 forth.

64. The Defendants were negligent in continuing the employment of the other Defendants who committed the acts described above. They had reason to know that the other Defendants, because of their qualities, were likely to harm the Plaintiff in view of the work entrusted to them. The dangerous qualities that Defendants were aware of while continuing to employ the other Defendants caused the harm suffered by the Plaintiff.

COUNT 11.

Failure to Warn Against All Defendants

65. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

66. The Defendants had a duty to warn Plaintiff that there was a strong likelihood that the other Defendants would subject Plaintiff to the actions described above. The Defendants' failure to do so subjects them to liability.

COUNT 12.

42 U.S.C. § 1983 Against County of Los Angeles and Los Angeles County Sheriff's Department

67. Paragraphs 1 through 37 are incorporated herein by reference as though fully set forth.

68. Prior to July 13, 2006, Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Los Angeles, which caused the violation of Plaintiff's rights.

69. It was the policy and/or custom of Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT to inadequately and improperly investigate citizen complaints of police misconduct, and acts of misconduct were instead tolerated by Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT.

70. It was the policy and/or custom of Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT to inadequately supervise and train its sheriff's deputies, including the defendant officers, thereby failing to adequately

1 discourage further constitutional violations on the part of its sheriff's deputies. Defendants
2 COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
3 did not require appropriate in-service training or re-training of officers who were known to have
4 engaged in police misconduct.

5 71. As a result of the above described policies and customs, sheriff's deputies of
6 Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S
7 DEPARTMENT, including the Defendants, believed that their actions would not be properly
8 monitored by supervisory officers and that misconduct would not be investigated or sanctioned,
9 but would be tolerated.

10 72. The above described policies and customs demonstrated a deliberate indifference
11 on the part of policymakers of Defendants COUNTY OF LOS ANGELES and LOS ANGELES
12 COUNTY SHERIFF'S DEPARTMENT to the constitutional rights of persons within the
13 Defendants COUNTY OF LOS ANGELES and LOS ANGELES COUNTY SHERIFF'S
14 DEPARTMENT, and were the cause of the violations of Plaintiff's rights alleged herein.

PRAYER FOR RELIEF

15 73. WHEREFORE, Plaintiff seek judgments against each and every Defendant, and
16 all of them, jointly and severally, for:

- 17 (A) All actual, consequential and incidental financial losses, including but not
18 limited to loss of earnings, according to proof, including medical expenses occasioned by
19 Defendants' actions;
- 20 (B) General damages for emotional distress, humiliation, and for physical and
21 mental injuries;
- 22 (C) Punitive damages pursuant to 42 U.S.C. § 1988 or any other provision
23 allowed by law;
- 24 (D) Attorney fees pursuant to 42 U.S.C. § 1988 or any other provision allowed
25 by law;

26 ///

27 ///

1 (E) Costs and expenses pursuant to 42 U.S.C. § 1988 or any other provision
2 allowed by law; and

3 (D) Such other and further relief as the court deems proper.

4
5 Respectfully submitted,

6 THE SPIVAK LAW FIRM

7 By:

8 DAVID G. SPIVAK, Attorney for
9 Plaintiff, DANIEL ALVAREZ

10 Date: September 16, 2008

11 **JURY TRIAL DEMANDED**

12 Pursuant to F.R.C.P. 38, Plaintiff demands trial by jury on all claims and counts so triable
13 by right.

14
15 Respectfully submitted,

16 THE SPIVAK LAW FIRM

17 By:

18 DAVID G. SPIVAK, Attorney for
19 Plaintiff, DANIEL ALVAREZ

20 Date: September 16, 2008

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV08- 6118 AHM (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

DAVID G. SPIVAK, State Bar # 179684
 THE SPIVAK LAW FIRM
 9454 Wilshire Blvd.
 Suite 303
 Beverly Hills, CA 90212
 Telephone (310) 499-4730

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DANIEL ALVAREZ, v. COUNTY OF LOS ANGELES; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; ROBERT FULOP; ... (continued on attachment)	PLAINTIFF(S) DEFENDANT(S).	CASE NUMBER CV08-06118 AHM (MAN)
SUMMONS		

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within _____ days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, DAVID G. SPIVAK, whose address is 9454 Wilshire Blvd., Suite 303, Beverly Hills, CA 90212. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 17 2008

By: Natalie Hengenaria
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

Attachment to Summons

(Defendants continued)... KENNETH DAILY; STEVE SATHER; DEPUTY FRAZIER, first name unknown; and DOES 1 THROUGH 10, in their individual and official capacities,

Defendants(s).

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I(a) PLAINTIFFS (Check box if you are representing yourself)
DANIEL ALVAREZ

DEFENDANTS

COUNTY OF LOS ANGELES; LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT; ROBERT FULOP; KENNETH DAILY; STEVE SATHER;
AND DEPUTY FRAZIER

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing
yourself, provide same.)

Attorneys (If Known)

David G. Spivak, The Spivak Law Firm, 9454 Wilshire Blvd., Suite 303,
Beverly Hills, CA 90212, (310) 499-4730

I. BASIS OF JURISDICTION (Place an X in one box only.)

1 U.S. Government Plaintiff 3 Federal Question (U.S.
Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship
of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

Citizen of This State

PTF DEF

1 1

Incorporated or Principal Place
of Business in this State

PTF DEF

4 4

Citizen of Another State

PTF DEF

2 2

Incorporated and Principal Place
of Business in Another State

PTF DEF

5 5

Citizen or Subject of a Foreign Country

PTF DEF

3 3

Foreign Nation

PTF DEF

6 6

V. ORIGIN (Place an X in one box only.)

1 Original 2 Removed from 3 Remanded from 4 Reinstated or 5 Transferred from another district (specify): 6 Multi-
District Litigation 7 Appeal to District Judge from Magistrate Judge
Proceeding State Court Appellate Court Reopened

VI. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ according to proof

VII. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
civil rights violations resulting from police misconduct

VIII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES

1400 State Reapportionment
1410 Antitrust
1430 Banks and Banking
1450 Commerce/ICC
Rates/etc.
1460 Deportation
1470 Racketeer Influenced
and Corrupt
Organizations
1480 Consumer Credit
1490 Cable/Sat TV
1810 Selective Service
1850 Securities/Commodities/
Exchange
1875 Customer Challenge 12
USC 3410
1890 Other Statutory Actions
1891 Agricultural Act
1892 Economic Stabilization
Act
1893 Environmental Matters
1894 Energy Allocation Act
1895 Freedom of Info. Act
1900 Appeal of Fee Determination
Under Equal
Access to Justice
1950 Constitutionality of
State Statutes

CONTRACT

110 Insurance
 120 Marine
 130 Miller Act
 140 Negotiable Instrument
 150 Recovery of
Overpayment &
Enforcement of
Judgment
 151 Medicare Act
 152 Recovery of Defaulted
Student Loan (Excl.
Veterans)
 153 Recovery of
Overpayment of
Veteran's Benefits
 160 Stockholders' Suits
 190 Other Contract
 195 Contract Product
Liability
 196 Franchise

REAL PROPERTY

210 Land Condemnation
 220 Foreclosure
 230 Rent Lease & Ejectment
 240 Torts to Land
 245 Tort Product Liability
 290 All Other Real Property

TORTS

PERSONAL INJURY
 310 Airplane
 315 Airplane Product
Liability
 320 Assault, Libel &
Slander
 330 Fed. Employers'
Liability
 340 Marine
 345 Marine Product
Liability
 350 Motor Vehicle
 355 Motor Vehicle
Product Liability
 360 Other Personal
Injury
 362 Personal Injury-
Med Malpractice
 365 Personal Injury-
Product Liability
 368 Asbestos Personal
Injury Product
Liability

IMMIGRATION

462 Naturalization
Application
 463 Habeas Corpus-
Alien Detainee
 465 Other Immigration
Actions

TORTS

PERSONAL
PROPERTY
 370 Other Fraud
 371 Truth in Lending
 380 Other Personal
Property Damage
 385 Property Damage
Product Liability
 422 Appeal 28 USC
158
 423 Withdrawal 28
USC 157
 441 Voting
 442 Employment
 443 Housing/Accom-
modations
 444 Welfare
 445 American with
Disabilities -
Employment
 446 American with
Disabilities -
Other
 440 Other Civil
Rights

CIVIL RIGHTS

441 Voting
 442 Employment
 443 Housing/Accom-
modations
 444 Welfare
 445 American with
Disabilities -
Employment
 446 American with
Disabilities -
Other
 440 Other Civil
Rights

PRISONER
PETITIONS

510 Motions to
Vacate Sentence
Habeas Corpus
 530 General
 535 Death Penalty
 540 Mandamus/
Other
 550 Civil Rights
 555 Prison Condition
 610 Agriculture
 620 Other Food &
Drug
 625 Drug Related
Seizure of
Property 21 USC
881
 630 Liquor Laws
 640 R.R. & Truck
 650 Airline Regs
 660 Occupational
Safety /Health
 690 Other

FORFEITURE /
PENALTY

610 Agriculture
 620 Other Food &
Drug
 625 Drug Related
Seizure of
Property 21 USC
881
 630 Liquor Laws
 640 R.R. & Truck
 650 Airline Regs
 660 Occupational
Safety /Health
 690 Other

LABOR

710 Fair Labor Standards
Act
 720 Labor/Mgmt.
Relations
 730 Labor/Mgmt.
Reporting &
Disclosure Act
 740 Railway Labor Act
 790 Other Labor
Litigation
 791 Empl. Ret. Inc.
Security Act
 820 Copyrights
 830 Patent
 840 Trademark
 861 HIA (1395ff)
 862 Black Lung (923)
 863 DIWC/DIWW
(405(g))
 864 SSID Title XVI
 865 RSI (405(g))
 870 Taxes (U.S. Plaintiff
or Defendant)
 871 IRS-Third Party 26
USC 7609

PROPERTY RIGHTS

820 Copyrights
 830 Patent
 840 Trademark
 861 HIA (1395ff)
 862 Black Lung (923)
 863 DIWC/DIWW
(405(g))
 864 SSID Title XVI
 865 RSI (405(g))
 870 Taxes (U.S. Plaintiff
or Defendant)
 871 IRS-Third Party 26
USC 7609

SOCIAL SECURITY

861 HIA (1395ff)
 862 Black Lung (923)
 863 DIWC/DIWW
(405(g))
 864 SSID Title XVI
 865 RSI (405(g))
 870 Taxes (U.S. Plaintiff
or Defendant)
 871 IRS-Third Party 26
USC 7609

FOR OFFICE USE ONLY: Case Number:

CV08-06118

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

III(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
yes, list case number(s): _____

III(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? No Yes
yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

I. VENUE: (When completing the following information, use an additional sheet if necessary.)

) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District.* OS ANGELES (DANIEL ALVAREZ)	California County outside of this District; State, if other than California; or Foreign Country
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) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

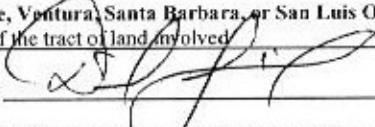
County in this District.* OS ANGELES (ALL DEFENDANTS)	California County outside of this District; State, if other than California; or Foreign Country
--	---

) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District.* OS ANGELES (ALL CLAIMS)	California County outside of this District; State, if other than California; or Foreign Country
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Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

SIGNATURE OF ATTORNEY (OR PRO PER):  Date SEPTEMBER 16, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))